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Home (1953) Department

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Ms SERIES.

G.O. No. 2979

Dated 21 9. 1953

FOR MYSORE STATE

[Despatch Abstract.]

Establishment — Powers ~~Serving~~ — Services — Recruitment — Permanent Vacancies in the posts of [redacted] — Filling up of — Orders — Passed

ABSTRACT

Establishment - Process Service - Reorganisation - Permanent vacancies in the posts of Amins etc. - Filling up of - Orders - Passed.

HOME DEPARTMENT

G.O.MS.NO.2979. Dated 21th September 1953.
Read the following:—

I

G.O.Ms.No.839, Public (Services) dated 5-4-1946.
G.O.Ms.No.918, Public (Services) dated 22-3-1947.
G.O.Ms.No.3398, Public (Services)dated 15-11-1947.
G.O.Ms.No.108, Public (Services) dated 10-1-1949.

II

G.O.Ms.No.1860, Home, dated 10-5-1949.

III

From the High Court, Roc.No.1532-51-C1. dated 26-3-1951 and dated 2-3-1953.

O R D E R:

Anticipating a reduction in the Process Service Establishment consequent on its re-organisation, which was sanctioned in G.O. Ms.No.1860, Home, dated 10th May 1949, the High Court in its Circular Roc.No.6219/47-D2, dated 27th January 1948 informed all the District Judges that vacancies in the posts of Amins and peons should be kept unfilled until further orders. In its letter first read above the High Court considered that in view of the orders in G.O.No.918, Public (Services) dated 22nd March 1947 it was not desirable to confirm in the vacant posts approved probationers of these categories and therefore recommended that the vacancies in these posts might be exempted from the operation of paragraph 4 of G.O.No.839, Public (Services) dated 5th April 1946. The High Court has however subsequently stated in its letter second cited that there is no near prospect of persons belonging to the process service in the two categories mentioned below being discharged or the posts held by them being abolished as a result of the reduction in strength necessitated by the further expansion of the re-organisation scheme and has requested the Government to give a ruling on the question whether the gradual reduction in the strength of the process service staff as a result of the scheme being put into effect is a bar to the confirmation of the persons belonging to the two categories. The two categories referred to are -

(a) Ex service men recruited to posts reserved for war service personnel under the Madras Civil Service (War Service Personnel) Recruitment Rules who have satisfactorily completed their period of probation;

(b) men (other than ex-service men) who were appointed in substantive vacancies and who completed their period of probation satisfactorily before the issue of High Court's circular banning recruitment.

2. The Government are advised that the objection to the confirmation of the approved probationers based on G.O.No.918, Public (Services) dated 22nd March 1947 cannot be sustained as the G.O. applied only to the Re-organisation Scheme recommended by the Reorganisation Committee mentioned in that G.O. but not to the reorganisation scheme of the Process Service Establishment and that in order to bring about the same result fresh orders should be passed afresh on the lines of G.O.No.918, Public (Services)

dated 22nd March 1947. A rule giving statutory effect to this intention, to take effect from 27th January 1948 (the date of the High Court's Circular referred to in paragraph 1 above) is accordingly issued. The notification in the Annexure to this order will be published in the Fort St.George Gazette.

3. As regards the confirmation of the members of the Process Service Establishment belonging to the two categories mentioned in paragraph 1 above, the Government agree with the High Court that the confirmation of those persons need notbe postponed but that it may be permitted according to the Service Rules. This decision would apply also to all persons who were recruited regularly to the Process Service before the issue of the High Court's Circular, dated 27th January 1948. The Government have also decided that, while effecting any reduction in the cadre of process servers consequent upon the reorganisation, the procedure laid down in G.Os.Ms.No.3398, Public (Services) dated 15th November 1947 and No.108, Public (Services) dated 10th January 1949 should be followed in the matter of retrenchment or re-employment of the process service staff. As these orders will not be directly applicable to the matter on handthe Registrar, High Court is requested to forward for approval of the Government suitable draft instructions and rules on the lines of those contained in G.Os.Ms.No.3398, Public (Services) dated 15th November 1947 and No.108, Public Services) dated 10th January 1949 for the above purpose.

(BY ORDER OF THE GOVERNOR OF MADRAS)

J. SUBBUSWAMY,
Deputy Secretary to Government.

To the Registrar, High Court, Madras.(with enclosures).
To the Superintendent, Government Press, Madras for publication of the Notification in the Annexure in the Fort St.George Gazette.
Copy to Andhra State.
Copy to Mysore State.

True Copy/Forwarded/By Order

Superintendent.

PKA 22/9

ANNEXURE
Notification

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India and of all other powers hereunto enabling, the Governor of Madras hereby makes the following rule:-

The rule hereby made shall be deemed to have come into force on the 27th January 1948.

Rule

Notwithstanding anything contained in the General Rules for the State and Subordinate Services or the Special Rules for the Madras Judicial Ministerial Service or the Madras Last Grade Service, the appointment of a person as a full member of the Madras Judicial Ministerial Service or the Madras Last Grade Service or a class, category or grade thereof shall be subject to the following conditions, namely:-

(i) such appointment shall be liable to be cancelled if and when the State Government abolish the post concerned as a result of the expansion of the Re-organisation Scheme of the Process Service Establishment.

2. a person appointed as such full member shall, in case the pay of his post is revised by the State Government as a result of the expansion of the said Scheme, be eligible only for the scale of pay as so revised.

Explanation:- In this rule "the Reorganisation Scheme of the Process Service Establishment" means the Scheme sanctioned by the State Government in G.O.Ms.No.1860, Home, dated 10th May 1949.

true copy

T.K. Swaminathan

Superintendent.